

MEMO ENDORSED

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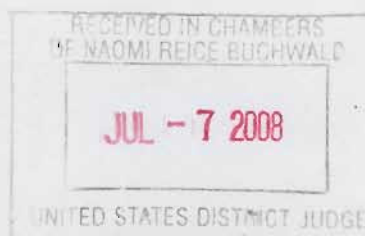
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July 7, 2008

BY FACSIMILE

Honorable Naomi R. Buchwald
United States District Judge
United States Courthouse
500 Pearl Street, Room 2270
New York, New York 10007



Re: Tucker v. City of New York et al.
07 Civ. 10367 (NRB) (JCF)

Dear Judge Buchwald:

I write to Your Honor concerning a discovery dispute that has arisen in the instant matter. On June 4, 2008, plaintiff served a subpoena in the above referenced action upon Ms. Marie-France Vincent, a non-party employee of the City of New York, Department of Health and Mental Hygiene, requiring Ms. Vincent's appearance at a deposition scheduled for July 8, 2008 at 10:00 a.m. However, I was advised today by Ms. Vincent that she is unable to appear at the scheduled deposition due to a family medical emergency.

In an attempt to resolve the issue absent this Court's intervention, Ms. Vincent wrote both to plaintiff's counsel and I requesting that the deposition be rescheduled to July 23, 2008 at 10:00 a.m. (letter annexed hereto). Additionally, I requested that plaintiff's counsel and I contact the Court in an attempt to resolve this matter via a telephone conference. Plaintiff's counsel declined to participate in a conference call to this Court and further does not consent to

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any adjournment request by Ms. Vincent. Defendants respectfully request that a short adjournment be granted and that Ms. Vincent be permitted to appear for a deposition on July 23, 2008 at 10:00 a.m. instead of tomorrow.

Thank you for your consideration of this matter.

Respectfully yours,



Christopher L. Heer (CH 1086)
Assistant Corporation Counsel

So
Ordered.
Haring
Respectfully
USDC
7/7/08

cc: **By FACSIMILE**
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